

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

KIMBERLY MYHRE and  
KYLE MYHRE,

Plaintiffs,

-VS-

VROOM AUTOMOTIVE, LLC f/k/a  
LEFT GATE PROPERTY  
HOLDING, LLC, d/b/a VROOM,  
WESTLAKE FINANCIAL  
SERVICES, LLC d/b/a WESTLAKE  
FINANCIAL; EXPERIAN;  
EQUIFAX INFORMATION  
SERVICES, LLC; TRANSUNION,  
LLC, and JOHN DOES 1-10,

Defendants.

CV 24-28-H-BMM-KLD

ORDER

Pursuant to Plaintiffs' Response to Westlake's Motion to Dismiss Filed at  
Doc. No. 26 and Stipulation to Relief (Doc. 39),

IT IS ORDERED that Plaintiff Kyle Myhre's claim under the Fair Credit  
Reporting Act ("FCRA"), asserted in Count II of Plaintiffs' Complaint, is dismissed.

IT IS FURTHER ORDERED that both Plaintiffs' claims for negligence,  
asserted in Count III of Plaintiffs' Complaint, against Defendant Westlake Services,  
LLC<sup>1</sup> dba Westlake Financial ("Westlake") are preempted by the federal Fair Credit  
Reporting Act and thus are dismissed.

Plaintiff Kimberly Myhre is to file an amended complaint by August 30,  
2024.

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<sup>1</sup> Westlake is named in the case caption as Westlake Financial Services, LLC.  
Westlake contends this is erroneous and that its legal name is Westlake Services,  
LLC.

DATED this 20th day of August, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United State District Court